Department of Community Planning and Economic Development – Planning Division Zoning Code Text Amendment

Date: June 25, 2012

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: May 25, 2012

Specific Site: Citywide

Ward: Citywide Neighborhood Organization: Citywide

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Intent of the Ordinance: To extend the length of time for which a decision from the zoning administrator or planning director, or zoning approval granted by the city planning commission, board of adjustment or city council, are valid.

Appropriate Section(s) of the Zoning Code: Chapter 525, Administration and Enforcement

Background: Currently, no decision of the zoning administrator or planning director, or zoning approval granted by the city planning commission, board of adjustment or city council, except zoning amendments, are valid for a period longer than one year from the date of such decision unless the building permit is obtained within such period and the erection or alteration of a building is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The zoning administrator, upon written request, may for good cause shown grant up to a one-year extension to this time limit. The proposed amendment would allow the period of decision to last one additional year. Also, section 525.40(b) is proposed to be removed from the ordinance because it is no longer relevant. An amendment to the Heritage Preservation ordinance is being processed concurrently to extend the length of time for which a decision from the zoning administrator, planning director, heritage preservation commission, or city council is valid as well.

Purpose for the Amendment:

What is the reason for the amendment? What problem is the Amendment designed to solve? What public purpose will be served by the amendment? What problems might the amendment create?

The purpose of the amendment is to extend the period of decision of the zoning administrator or planning director, or zoning approval granted by the city planning commission, board of adjustment or city council by one year. Extending this time period allows applicants additional time to obtain

financing and complete other review processes, such as heritage preservation, to bring a project to fruition. It is also intended to prevent the need to repeat a review process to renew previously obtained approvals, saving staff and applicant's time and other resources.

Staff does not anticipate any problems resulting from the amendment. If ordinances are amended before building permits are obtained, compliance with the newly adopted ordinances is required and the proposal must be amended as needed. This is consistent with current practice. If needed, an extension could be denied if the proposal is no longer consistent with adopted policy. Staff is not aware of any past instances where this has been an issue. Another issue that the amendment would address is that most required site improvements are not completed within one year for new construction and require inspectors to return once construction is complete. For sites where noncompliance is an issue, the decision maker(s) could still require implementation deadlines for site improvements for less than two years.

For the recently adopted urban agriculture amendments, staff was asked to consider extending development approvals for projects that allow urban agricultural uses on an interim basis until construction commences on the development site. This was not included in the staff recommendation because there is nothing that would prohibit the use of the subject site for any other permitted use during this approval period and preparing land for food production can require significant investments of labor and other resources as well as social investments. These investments should not be considered lightly in designating interim uses for vacant land. Also, applicants typically anticipate starting construction within one year of obtaining approvals. Extensions are generally requested due to unforeseen circumstances.

Timeliness:

Is the amendment timely?
Is the amendment consistent with practices in surrounding areas?
Are there consequences in denying this amendment?

The amendment is timely given that one year extensions are granted regularly. Developments that were at risk of having their approvals expire and were planning to proceed, include K&K Metal (17th Ave N and 2nd St N), Nokomis Senior Living (23rd Ave S and 38th St E), 3045 Lyndale Ave S, 29th Avenue Apartments at 3725 29th Ave S (expired and renewed approvals), Dunwoody Apartments (110 18th St E), and Acme Tag Development (2838 Fremont Ave S). In St. Paul, the period of decision expires after two years with an option to extend it one additional year. In general, the period of decision expires after one year with the option to extend it an additional one year in first-ring suburbs.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following policies of *The Minneapolis Plan for Sustainable Growth* apply:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.1 Ensure that the City's zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.
- 1.1.3 Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool.

Economic Development Policy 4.1: Support private sector growth to maintain a healthy, diverse economy.

4.1.5 Continue to streamline City development review, permitting and licensing to make it easier to develop property in the City of Minneapolis.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development-Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and <u>approve</u> the zoning code text amendment to Chapter 525, Administration and Enforcement.